

## **REMARKS**

This is meant to be a complete response to the Office Action mailed February 28, 2008.

### **Claim Rejection - 35 USC § 103**

In the Office Action, the Examiner rejected Applicants' claims 1-16 under 35 U.S.C. 103(a) as being unpatentable over Barker et al. Applicant respectfully traverses the Examiner's rejections.

Applicant submits that the amendments to the independent claim 1 overcome the rejections of the Examiner. In particular, Applicant's claim 1 is directed to a method for monitoring store transactions, comprising the steps of: "providing at least one sensor associated with a store, the sensor receiving information indicative of customer activity and automatically outputting activity signals indicative of such customer activity sensed by the sensor." Next, "receiving the customer activity signals automatically via a transaction computer and automatically generating, an expected revenue signal indicative of expected revenue to be received by the store based upon the customer activity." Following with the step of "generating an actual revenue signal indicative of actual revenue received during the same time period encompassed by the customer activity resulting in the expected revenue signal, and comparing the actual revenue signal with the expected revenue signal."

In contrast, the Barker application is directed to a security monitoring network which remotely monitors local events [0002]. The system monitors information sources which are disclosed as "traditional security monitoring"

[0031]. Examples of these information sources include glass break monitors, closed circuit video, motion detectors [0033]. Although other types of monitoring devices are disclosed, such as, vehicle information systems and GPS systems, Barker does not teach how these devices may be integrated. In other words, Barker discloses a system for monitoring security devices or assets as described in the title of the invention, “SYSTEM AND METHOD FOR PROVIDING **CONFIGURABLE SECURITY MONITORING** UTILIZING AN INTEGRATED INFORMATION SYSTEM.”

This system receives input from these information sources (*i.e.* security devices) which produce data, and that data is communicated to a server [0032]. For example, the system receives a signal from a glass break detector signifying that the sensor has been activated [0052]. After receiving the signal from the sensor, the server then traverses a set of logic rules to determine whether the input violates a logical rule [0013]. The system may then output a signal to an authorized user [0054], or activate another system such as an aerosol sprayer or a light [0055].

We agree with the Examiner that Barker does not specifically disclose an expected revenue signal based upon customer activity. Barker discusses utilizing and analyzing security monitoring devices in ordinary and/or customary manners. To these ends Barker claims a method for providing an integrated information system having at least one monitoring device, obtaining monitoring device data, obtaining rules corresponding to the device, processing device data according to the rules, and generating an output [Claim 1].

Barker does not teach or even suggest, “generating an expected revenue signal indicative of expected revenue to be received by the store based upon the customer activity” or “generating an actual revenue signal indicative...and comparing the actual revenue signal with the expected revenue signal” as recited in Applicant’s claim 1.

Applicant’s claim 1 includes the steps of “providing at least one sensor...receiving information indicative of customer activity and automatically outputting activity signals indicative of such customer activity sensed by the sensor” and “generating, an expected revenue signal indicative of expected revenue to be received by the store based upon the customer activity.” Barker does not teach or even suggest the generation of an expected revenue signal based upon information received from sensors. Barker appears to provide a system for processing the output of security monitoring devices and measuring the output against logical rules [Barker claim 1]. Applicant’s claim 1 also includes the step of “generating an actual revenue signal indicative of actual revenue received during the same time period encompassed by the customer activity resulting in the expected revenue signal.” Barker does not teach or even suggest the use of an actual revenue signal. Barker does not teach or suggest the use of inventory controls and/or security monitoring devices to compute an actual revenue signal. In fact, Barker teaches that these are separate and distinct functions of the system. Barker discusses inventory controls, and only discloses monitoring inventory (or assets) as a wholly separate process from monitoring security devices as seen in Fig. 7A. Fig. 7A discloses a process for monitoring

assets and/or inventory. This is further discussed in Paragraph [0061], which clearly delineates two separate processes, one for monitoring devices, and another for monitoring inventory, “if the asset is not found, the system defaults to processing the monitoring device data as a device event.”

Also, claim 1 includes the step of “comparing the actual revenue signal with the expected revenue signal.” Barker does not teach or even suggest the comparison of actual revenue signals and expected revenue signals, where the actual revenue signals are derived by monitoring specific transactions and expected revenue signals which are derived from a plurality of sensor inputs independent of the specific transactions.

Applicant’s claim 10 is directed to a method for enhancing the security of a store, comprising the step of, “selling and distributing a store transaction system receiving customer activity...and generating an expected revenue signal based upon such customer activity.” As discussed above, Barker does not teach the generation of an expected revenue signal based upon information received from sensors. Barker simply appears to provide a system for processing the output of security monitoring devices and measuring the output against logical rules [Barker claim 1].

Applicant’s claim 12 is directed to a method for enhancing the security of a store, comprising the step of, “installing a store transaction system adapted to receive customer activity information indicative of customer activity associated with the store and to generate an expected revenue signal based upon such customer activity. As discussed above, Barker does not teach or even suggest

the generation of an expected revenue signal based upon information received from sensors. Barker appears to provide a system for processing the output of security monitoring devices and measuring the output against logical rules [Barker claim 1]. Barker also appears to disclose utilizing and analyzing security monitoring devices in ordinary and/or customary manners, not in an effort to generate an expected revenue signal.

In light of the foregoing, Applicant submits that independent claims 1, 10, and 12 should be deemed allowable over the prior art of record. As claims 2-4 and 7 ultimately depend from claim 1, claim 11 ultimately depends from claim 10, and claim 13 ultimately depends from claim 12, these claims should likewise be deemed allowable at the present time. Furthermore, claims 5, 6, 8, 9 and 14-16 have been cancelled, without prejudice to expedite the prosecution of the remaining claims.

## **CONCLUSION**

The foregoing is intended to be a complete response to the Office Action dated February 28, 2008. Should the Examiner have any questions or comments regarding the foregoing, Applicant's attorney would welcome a telephonic interview with the Examiner.

Respectfully submitted,

A handwritten signature in cursive script that reads "Marc Brockhaus". The signature is written in dark ink and is positioned above a horizontal line.

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